

**STATE OF CONNECTICUT  
CONNECTICUT BOARD OF VETERINARY MEDICINE**

Amr Wasfi, D. V. M.

Petition No. 930201-47-003

**MEMORANDUM OF DECISION**

***Procedural Background***

On September 10, 2002, Amr Wasfi ("petitioner") filed a Motion for Request for Reinstatement of License ("Motion for Reinstatement") with the Connecticut Board of Veterinary Medicine ("the Board") Bd. Exh. 3.

The Board decided to hold a hearing to consider petitioner's Request and, on October 23, 2002, the Board sent a Notice of Hearing to the petitioner. Bd. Exh. 1.

The Board held an administrative hearing on January 29, 2003, in accordance with Chapter 54 of the Connecticut General Statutes (the Uniform Administrative Procedure Act) and Conn. Agencies Regs. §§19a-9-1, *et seq.*, to adjudicate petitioner's request for reinstatement of his license. Jacqueline Barbara represented petitioner. Attorney David Tilles represented the Department. This decision is based entirely on the record and the professional training, knowledge and experience of the members of the Board. *Pet v. Department of Health Services*, 228 Conn. 651, 667 (1994).

***Findings of Fact***

1. Petitioner previously held Connecticut veterinarian license number 001159. Bd. Exh. 2
2. On or about November 28, 1992, petitioner provided care and treatment to "Molly," a dog owned by Allison and Susan O'Connell. The Department alleged that the care petitioner provided to Molly did not conform to the acceptable standard of care for veterinarians. Bd. Exh. 2.
3. On April 6 and 27, 1994, the Board held an administrative hearing to adjudicate the petitioner's case. Bd. Exh. 2.
4. On or about April 17, 1996, the Board found that petitioner misinformed Molly's owner about Molly's condition and that petitioner misrepresented the treatment he provided to Molly. The Board concluded that petitioner was guilty of unskillfulness towards an animal in violation of § 20-202(2) of the Conn. Gen. Stat. Bd. Exh. 2.
5. In or about June 1996, the Board revoked petitioner's license to practice veterinary medicine. Bd. Exh. 2.

6. Prior to the revocation of petitioner's license, petitioner used phentermine on a daily basis for about 10 years, until March 2001. Although the Department did not charge him with substance abuse, and it was not an issue before the Board during the revocation hearing, petitioner voluntarily admitted that he was addicted to phentermine. He claimed that his chemical dependency and impairment adversely affected his judgment and every aspect of his life. Resp. Exh. B, Tr. pp. 25-26.
7. On August 7, 2001, petitioner was evaluated for substance abuse and treatment. Bd. Exh. 3, Resp. Exhs. A, B.
8. Petitioner also has been diagnosed with osteo-arthritis, kidney stones and migraine headaches, for which serzone, neurontin, allopurinol, prilosec, nexium, viox and fiorinal were prescribed. Bd. Exh. 3, Resp. Exhs. A, B.
9. Petitioner has been in private counseling with psychiatrist David Zucker, M. D. since August 2001. Bd. Exh. 3, Resp. Exhs. A, B; Tr. pp. 7-8, 23-24.
10. From August 7, 2001 until May 2002, petitioner was enrolled in and successfully completed an outpatient substance abuse treatment program sponsored by Hall-Brooke Behavioral Health Services in Bridgeport, Connecticut. Bd. Exh. 3, Resp. Exh. A; Tr. pp. 22-23.
11. Respondent has submitted to random urine screenings commencing in August 2001 until the date of the hearing. Bd. Exh. 3, Resp. Exhs. A, B.
12. Petitioner has tested negative for amphetamines (including phentermine) and other controlled substances in all of his random urine screenings. Bd. Exh. 3, Resp. Exhs. A, B; Tr. p. 10.
13. Petitioner currently takes only serzone and neurontin, as prescribed. Tr. p. 23.
14. Petitioner previously attended AA meetings at least one night per week commencing in or about August 2001. At the time of the hearing, he had attended AA meetings twice a month and he has a sponsor. At the time of the hearing, petitioner was at step 8 in the 12-step recovery program. Bd. Exh. 3, Resp. Exh B; Tr. p. 24.
15. Petitioner has attended various seminars and continuing education seminars to enhance his professional skills in veterinary medicine. Bd. Exh. 3, Resp. Exh. C; Tr. pp. 12-13.
16. Petitioner has also started a six-month program at Tufts University, where once a week, he participates in rounds, observes surgical procedures, attends lectures and presentations on the cases handled there. Dr. Susan Mitchell and Dr. John Berg, Chairman of the Department of Medicine, have agreed to work with petitioner if his license is reinstated. Resp. Exh. C; Tr. pp. 10-16.
17. Dr. Mahfouz, who diagnoses and treats patients and performs surgery, is currently running petitioner's practice. Tr. pp. 29, 36-39.

### ***Discussion and Conclusions of Law***

Section 19a-17(d) of the Connecticut General Statutes provides that the Board “may reinstate a license that has been suspended or revoked if, after a hearing, such Board . . . is satisfied that the practitioner . . . is able to practice with reasonable skill and safety to patients, customers or the public in general. As a condition of reinstatement, the Board may impose disciplinary or corrective measures authorized under this section.”

Petitioner has the burden of satisfying the Board that he is able to practice veterinary medicine, surgery and dentistry with reasonable skill and safety. The Board finds that petitioner has presented sufficient evidence to satisfy his burden.

The Board concludes petitioner offered credible testimony that he accepts responsibility for the conduct that resulted in the revocation of his license. The Board also found petitioner to be credible when he testified and presented evidence that significant change has taken place in his life such that any further misconduct would not be repeated. Since March of 2001, petitioner has not abused controlled substances and has adhered to guidelines set forth by the Hall-Brooke Behavioral Health Services and the 12-step recovery program of AA. Petitioner is remorseful for his past mistakes and determined to do whatever it takes to resume his practice.

Based on a review of the evidence presented, the Board concludes that petitioner has met the burden of satisfying the Board that he is able return to the practice of veterinary medicine with reasonable skill and safety.

### ***Order***

Pursuant to the authority vested in it by Conn. Gen. Stat. § 19a-17(d), the Board hereby grants petitioner’s request to have his license as a veterinarian reinstated as follows:

1. Petitioner’s license number 001159 to practice veterinary medicine, surgery or dentistry shall be placed on probation for a period of five (5) years from the effective date of this Order, under the following terms and conditions:
  - a. Refrain from the ingestion of alcohol in any form and the ingestion, inhalation, injection or other use of any controlled substance and/or legend drug unless prescribed or recommended for a legitimate purpose by a licensed health care professional authorized to prescribe medications. In the event a medical condition arises requiring treatment utilizing controlled substances, legend drugs, or alcohol in any form, petitioner shall notify the Department and, upon request, provide such written documentation of the treatment as is deemed necessary by the Department.

- (1) During the first year of the probationary period, petitioner shall submit to random observed urine screens for alcohol, controlled substances, and legend drugs every other week.
  - (2) During the second year of the probationary period, petitioner shall submit to monthly random observed urine screens for alcohol, controlled substances and legend drugs.
  - (3) During the third year of the probationary period, petitioner shall submit to random observed urine screens for alcohol, controlled substances and legend drugs every other week.
  - (4) During the fourth and fifth years of the probationary period, petitioner shall submit to monthly random observed urine screens for alcohol, controlled substances and legend drugs.
  - (5) Said screens shall be administered by a facility approved by the Department. All such random screens shall be legally defensible in that the specimen donor and chain of custody shall be identified throughout the screening process. All laboratory reports shall state that the chain of custody procedure has been followed.
  - (6) Petitioner shall cause to have the facility provide monthly reports to the Department on the urine screens for alcohol, controlled substances and legend drugs. All such screens shall be negative for alcohol, controlled substances, and legend drugs, except for medications prescribed by petitioner's physician. If petitioner has a positive urine screen, the facility shall immediately notify the Department. All positive random drug and alcohol screens shall be confirmed by gas chromatograph/mass spectrometer testing.
  - (7) Petitioner understands and agrees that if he fails to submit a urine sample when requested by his monitor, such missed screen shall be deemed a positive screen.
  - (8) Petitioner shall notify each of his health care professionals of all medications prescribed for him by any and all other health care professionals.
- b. Within the first year of the probationary period, petitioner must pass the National Board of Veterinary Medical Examiners, Species Specific Examination in Small Animals to be administered by the Department of Public Health, Office of Practitioner Licensing and Certification.

- c. Petitioner shall attend "anonymous" or support group meetings on an average of three times per month, and shall provide monthly reports to the Department concerning his record of attendance.
- d. During the first three years of the probationary period, petitioner shall only practice in an office and practice setting that includes other veterinarians.
- e. Petitioner shall provide his employer, partner and/or associate at any hospital, clinic, partnership and/or association at which he is employed or with which he is affiliated or has privileges at each place where petitioner practices throughout the probationary period, with a copy of this Decision within fifteen (15) days of its effective date, or within fifteen (15) days of commencement of employment at a new facility. Petitioner agrees to provide reports from such employer, partner and/or associate monthly for the first year of probation; and quarterly for the remainder of the probationary period, stating that petitioner is practicing with reasonable skill and safety.
- f. Respondent shall obtain at his own expense, the services of a veterinarian, not affiliated with petitioner's practice and pre-approved by the Department ("supervisor"), to conduct a random review of petitioner's patient records according to the following schedule:
  - (1) During the first year of the probationary period, the supervisor shall conduct random review of a minimum of 10 of petitioner's patient records on a monthly basis.
  - (2) During the second and third years of the probationary period, the supervisor shall conduct a random review of a minimum of 10 of petitioner's patient records on a quarterly basis.
  - (3) During the fourth and fifth years of the probationary period, the supervisor shall conduct a random review of a minimum of 10 of petitioner's patient records on a semi-annual basis.
  - (4) The supervisor shall have the right to monitor respondent's practice by any other reasonable means, which he or she deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.
  - (5) Respondent shall be responsible for providing written supervisor reports directly to the Department on a monthly basis for the first year of the probationary

period, quarterly for the second and third years of the probationary period, and semiannually for the fourth and fifth years of the probationary period. Such supervisor's reports shall include documentation of dates and duration of meetings with respondent, number and a general description of the patient records and patient medication orders and prescriptions reviewed, additional monitoring techniques utilized, and a statement that respondent is practicing with reasonable skill and safety.

g. Within the first year of the probationary period, petitioner shall complete the Tufts University continuing education program, in which petitioner will observe its surgeons once a week for six months. Within three months of the completion of such course work, petitioner shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such course.

2. All reports, correspondence and/or other communication with the Department and/or the Board required pursuant to this Order shall be sent to:


Bonnie Pinkerton  
Department of Public Health  
410 Capitol Avenue, MS #12HSR  
P.O. Box 340308  
Hartford, Connecticut 06134-0308

3. Petitioner shall inform the Department in writing of his current address and any change thereto during the period of probation. All notices provided to petitioner shall be sent to the most current address of petitioner on file with the Department.
4. Petitioner shall be responsible for all costs associated with the satisfaction of the terms of this Order.
5. Proof of any violations of the terms and conditions of this Order may be sufficient grounds for revocation of petitioner's license.

Connecticut Board of Veterinary Medicine

4-30-2003

Date

  
by: Jordan Dann, D. V. M., Chairman